

REMARKS

The Office Action of July 29, 2002 has been received and reviewed. This response is directed to that action. Pursuant to 37 C.F.R. §1.136, Applicants petition the Office for a one-month extension of time to reply to this action. The Office is hereby authorized to charge Applicant's deposit account accordingly.

*Claim Rejections-35 U.S.C. §112, first paragraph*

The Examiner rejected claims 1-22 under 35 U.S.C. §112, first paragraph as based on the basis that the claimed  $T_{90}$  and cold filter plugging point ranges were not adequately disclosed in the specification. Claims 1 and 13 have been amended to recite the ranges disclosed on page 4 of the specification. Furthermore, claims 2-7 and 14-18 have been cancelled. Therefore, based on the foregoing amendments, the 35 U.S.C. §112, first paragraph rejections are obviated.

*Claim Rejections-35 U.S.C. §112, second paragraph*

The Examiner further rejected claims 1-22 under 35 U.S.C. §112, second paragraph as indefinite. Claims 1, 13 and 21 (and their dependent claims) were found indefinite because the claimed  $T_{90}$  and cold filter plugging point ranges were not explicitly set forth in the specification. As explained above, these claims have been amended to correspond to the description on page 4 of the specification. Additionally, claims 12, 20 and 22 were found indefinite for claiming a cetane number that was not set forth in the specification. Claim 12 has been cancelled and claims 20 and 22 have been amended to correspond with the disclosure on page 4 of the specification. Claim 21 has also been amended to actively recite the steps for making the fuel of the present invention. Support for this amendment can be found on page 5,

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lines 1-19 of the specification. Therefore, based on these amendments, the 35 U.S.C. §112, second paragraph rejections are obviated.

Applicants believe that the claims now present in this application to be patentable and that this application is in condition for allowance, and such favorable action is respectfully requested. If any questions or issues remain, the resolution of which the Examiner feels would be advanced by a conference, she is invited to contact Applicants' attorney at the telephone number noted below.

Respectfully submitted,



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☒ Pursuant to 37 CFR 1.34(a)

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AMENDED CLAIMS WITH MARKINGS

1. (Amended) A fuel, useful as a diesel fuel comprising a Fischer-Tropsch derived hydrocarbon distillate having [343°C] 338°C <T<sub>90</sub><538°C and a cold filter plugging point of less than or equal to +5 °C.

13. (Amended) A method of reducing smoke during operation of a diesel engine comprising combusting a Fischer-Tropsch derived hydrocarbon distillate having [343°C] 338°C <T<sub>90</sub><538°C and containing;

<10 wppm Sulfur, Nitrogen

<2% aromatics

<0.1% polyaromatics

wherein the cold filter plugging point of the distillate is less than or equal to [-5] +5 °C.

19. (Amended) A method according to claim 13 wherein the hydrocarbon distillate contains:

<5 wppm Sulfur, Nitrogen

<1 wt.% aromatics

<0.1wt.% polyaromatics

and has a cetane number [of at least] greater than 65.

20. (Amended) A method according to claim [18] 19 wherein the hydrocarbon distillate contains:

<1 wppm Sulfur, Nitrogen

<0.1 wt % aromatics

<0.1 wt % polyaromatics

and has a cetane number [of at least 75] greater than 70.

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21. (Amended) A method of making a fuel [useful as a diesel fuel, comprising a Fischer-Tropsch derived hydrocarbon distillate having  $338^{\circ}\text{C} < T_{90} < 538^{\circ}\text{C}$  and a cold filter plugging point of less than or equal to  $+5^{\circ}\text{C}$ ] of claim 1, the method comprising:

(a) passing a  $149^{\circ}\text{C}+$  Fischer-Tropsch derived hydrocarbon fraction into a first reaction zone comprising a hydroisomerization catalyst;

(b) hydroisomerizing the  $149^{\circ}\text{C}+$  fraction over the hydroisomerization catalyst to form a first effluent;

(c) passing at least a portion of liquid product from the first effluent into a second reaction zone comprising a catalytic dewaxing catalyst;

(d) dewaxing the first effluent over the dewaxing catalyst to form a second effluent; and

(e) distilling the second effluent to recover a hydrocarbon product with a  $338^{\circ}\text{C} < T_{90} < 538^{\circ}\text{C}$  and a cold filter plugging point of less than or equal to  $+5^{\circ}\text{C}$ .

22. (Amended) A method according to claim 21 wherein the hydrocarbon distillate contains:

<1 wppm Sulfur, Nitrogen

<0.1 wt % aromatics

<0.1 wt % polyaromatics

and has a cetane number [of at least] greater than 65.